



Minnesota Attorney General Keith Ellison
75 Rev Dr Martin Luther King Jr Boulevard, Suite 102
St Paul, MN 55155

July 22, 2019

Re: Request for Investigation of Glencore and PolyMet Mine Permitting

Dear Attorney General Ellison,

The environmental and grassroots groups signing this letter request that you investigate the relationship between the PolyMet NorthMet copper-nickel mine project and Glencore, the multinational corporation that has recently purchased approximately 70 percent of PolyMet shares. Now that PolyMet has received its state permits, Glencore has just taken over the majority ownership of PolyMet Mining Corp., the Canadian corporation that would operate Minnesota's first copper-nickel sulfide mine. We are concerned that this recent change in ownership has long been planned, and that Glencore remained a "background player" during the permitting process to avoid scrutiny by the State.

The PolyMet copper-nickel mine threatens water quality and human health in the St. Louis River watershed of the Lake Superior Basin due to release of sulfate and toxic heavy metals. In particular, this sulfide mine would increase methylmercury contamination of fish, resulting in increased harm to brain development in fetuses, infants and children in this region. During environmental review, state and federal agencies acknowledged that PolyMet sulfide mine pit pollution would be perpetual and that tailings seepage would require at least 500 years of wastewater treatment.

Glencore, the new owner of PolyMet, has an extensive history of troubling conduct arising from its operations throughout the world. Glencore is the subject of several investigations into illegal practices. In April 2019, the U.S. Commodity Futures Trading Commission announced it was investigating Glencore for "corrupt practices" that may have violated provisions of the Commodity Exchange Act or CFTC regulations. In July 2018, the U.S. Department of Justice began investigating Glencore under laws prohibiting bribery and money laundering.

In 2015, the United Steelworkers union gave Glencore a "silver medal" in its "Lifetime Awards for corporate irresponsibility." Fifteen years ago, when Glencore took over as majority owner of a smelter in France, Glencore absorbed the profits, discharged all 830 workers, and left behind the highest lead pollution in France. That site still remains heavily contaminated.

The Minnesota Attorney General has broad investigatory authority. Minn. Stat. § 8.31. Under this authority, the Attorney General has investigated a business for potential misleading statements and “unlawful, deceptive, and fraudulent practices” related to that business’s dealings in Minnesota. *UnitedHealth Group Inc. v. State ex rel. Swanson*, A06-2013, 2007 WL 4234545, at *2 (Minn. Ct. App. Dec. 4, 2007). Therefore, we would request you investigate these issues:

1. Whether PolyMet failed to properly characterize its relationship to Glencore.

The only mention of Glencore in PolyMet’s entire 20,000-page Permit to Mine Application was a statement that Glencore owned 28 percent of PolyMet stock. Documents posted to the Canadian stock exchange just weeks after public comments on the Permit to Mine ended demonstrate that Glencore and PolyMet were intertwined far beyond this ownership percentage. PolyMet’s failure to disclose pertinent information in its Permit to Mine filings was likely improper, especially considering that Minnesota residents were inappropriately denied the opportunity to raise concerns throughout the permitting process that an international bad actor would be in control of Minnesota’s first copper-sulfide mine.

2. Whether the fact Glencore is not on any PolyMet permits makes Minnesota vulnerable.

Glencore is not listed on the Permit to Mine, the financial assurance requirement, or any other permit for the NorthMet copper-sulfide mine. Minnesota’s environment and Minnesota taxpayers may be inadequately protected from toxic pollution or catastrophic tailings dam failure as a result of the omission of Glencore from any PolyMet permits.

3. Glencore’s history as an international bad actor, requiring closer scrutiny by Minnesota.

Several environmental groups have previously asked state agencies to review Glencore’s history and what implications Glencore’s role in the PolyMet mine project might have for Minnesota. As noted above, Glencore has a long history of bribery, labor abuses and toxic pollution spills, and is currently under investigation by the U.S. Justice Department for violations of the Foreign Corrupt Practices Act. Our State’s administrative record for PolyMet permits contains no scrutiny of Glencore’s environmental, labor or business practices or the history of unfunded liability left behind by Glencore subsidiaries.

An Attorney General investigation is necessary due to PolyMet’s incomplete and misleading disclosures of its relationship with Glencore throughout the permitting process, and in order for Minnesota to exercise due diligence and evaluate Glencore, PolyMet’s owner and “strategic partner.”

This investigation must be done before allowing PolyMet to construct Minnesota’s first copper-sulfide mine - a new and risky form of mining that could put both Minnesota finances and natural resources in danger.

Sincerely,



Steve Morse
Minnesota Environmental Partnership
(and the 24 organizations listed on the following page)

Alliance for Sustainability

Austin Coalition for Environmental Sustainability

CURE (Clean Up the River Environment

Duluth for Clean Water*

Friends of Minnesota Scientific and Natural Areas

Friends of the Boundary Waters Wilderness

Friends of the Cloquet Valley State Forest

Honor the Earth

Howling for Wolves*

Humming for Bees*

Land Stewardship Project

Mankato Area Environmentalists

Minnesota Center for Environmental Advocacy

Minnesota Native Plant Society

MNSTOP: Minnesota State Taxpayers Opposed to Polymet*

Northern Lakes Scientific Advisory Panel*

North American Water Office*

Our Revolution*

Save Lake Superior Association

Save Our Sky Blue Waters

Sierra Club – North Star Chapter

WaterLegacy

Wetlands Action Group*

Wilderness in the City